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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/353,625	07/15/1999	ARNOUD EKKER	1330.1047	3873

21171 7590 06/02/2004

STAAS & HALSEY LLP
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EXAMINER

NGUYEN, NGA B

ART UNIT PAPER NUMBER

3628

DATE MAILED: 06/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/353,625

Applicant(s)

EKKER ET AL.

Examiner

Nga B. Nguyen

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MLW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 2, 2004 has been entered.
2. Claim 32 is added. Claims 1-32 are pending in this application.

Response to Arguments/Amendment

3. Applicant's arguments with respect to claims 1-32 have been considered but are moot in view of new grounds of rejection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
5. Claims 1-20, 23-28, 31, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Block et al (hereinafter Block), U.S. Patent No. 6,377,938.

Regarding to claim 1, Block discloses an event pricing system comprising: at least one computer having:

a continuously running event creation process determining whether a system initiated and created event is due to be created (column 6, lines 37-40, Tariff Memory 76, system initiated and created flat rate charge, taxes, etc...); and

a continuously running pricing process pricing the system-created events and non-system-created events as they become available to the system (column 7, lines 55-column 8, lines 6, processor 60 performs real time billing calculation for system-created events e.g., flat charges, monthly equipment rental fees, etc..., and non-system-created events:, e.g., call charges).

Block does not disclose the system initiates and create non-usage events. However, Block discloses the tariff Memory 76 stores information relating to the charges for various types of services as well as taxes (non-usage events) (column 6, lines 37-40), and the processor 60 calculates call charges in real time during a call, applying the duration of the call to the appropriate section of the tariff stored in the Tariff Memory 76 (column 7, lines 55-60). Moreover, calculating non-usage events such as calculating taxes is well known in the art of accounting and billing. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to combine the feature above with Block's for the purpose of initiating and creating non-usage events in real-time.

Regarding to claim 2, Block further discloses all events are priced as they become available to the system (column 7, lines 55-column 8, lines 6).

Regarding to claim 3, Block further discloses all system-created events are created at any time based on a flexible schedule independent of a billing process (column 8, lines 1-3, flat charges, monthly equipment rental fees).

Regarding to claim 4, Block further discloses system initiated and created events for a customer may be created one or less frequently than the customer is billed,

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as frequently as the customer is billed and more frequently than the customer is billed (column 8, lines 1-3, flat charges, monthly equipment rental fees are initiated and created as frequently as the customer is billed).

Regarding to claim 5, Block further discloses summary events are created and maintain in real-time as events are priced (column 9, lines 15-32).

Regarding to claim 6, Block further discloses all events are available for contribution to summary records for discounting and consolidation (column 7, lines 43-50).

Regarding to claim 7, Block further discloses charges for all events that are relevant to a billing period are calculated and available in the system at the earliest practical time (column 9, lines 27-32).

Regarding to claim 8, Block further discloses processing for calculating charges to be billed in a current billing period is outside the billing process (column 7, lines 55-63).

Regarding to claim 9, Block further discloses charges for all unbilled events are ready for the billing process and ready for display on-demand (column 9, lines 15-32).

Regarding to claim 10, Block further discloses pricing process performs real-time recalculation of a charge for any unbilled event when information in the system which impact the charge has changed (column 7, lines 43-50).

Regarding to claim 11, Block discloses a computer implemented event pricing process, comprising:

determining, by a computer, whether a system initiated and created event is priceable (column 6, lines 37-40, Tariff Memory 76, system initiated and created flat rate charge, taxes, etc...); and

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pricing, by the computer, the event responsive to the determining (column 7, lines 55-column 8, lines 6, processor 60 performs real time billing calculation for system-created events e.g., flat charges, monthly equipment rental fees, etc..., and non-system-created events:, e.g., call charges).

Block does not disclose the system initiates and create non-usage events. However, Block discloses the tariff Memory 76 stores information relating to the charges for various types of services as wells as taxes (non-usage events) (column 6, lines 37-40), and the processor 60 calculates call charges in real time during a call, applying the duration of the call to the appropriate section of the tariff stored in the Tariff Memory 76 (column 7, lines 55-60). Moreover, calculating non-usage events such as calculating taxes is well known in the art of in accounting and billing. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to combine the feature above with Block's for the purpose of initiating and creating non-usage events in real-time.

Regarding to claim 12, Block further discloses priceable events are price immediately (column 7, lines 55-63).

Regarding to claim 13, Block further discloses all charge events are price in real-time (column 6, lines 23-25).

Regarding to claim 14, Block discloses a computer implemented event pricing process, comprising:

determining, by a computer whether an event is priceable (column 7, lines 55-63);
and

pricing, by a computer, the event responsive to the determining, wherein all available system initiated and created charge events for a current billing period are priced at a first opportunity after a prior billing period ends (column 15-32).

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Block does not disclose the system initiates and create non-usage events. However, Block discloses the tariff Memory 76 stores information relating to the charges for various types of services as wells as taxes (non-usage events) (column 6, lines 37-40), and the processor 60 calculates call charges in real time during a call, applying the duration of the call to the appropriate section of the tariff stored in the Tariff Memory 76 (column 7, lines 55-60). Moreover, calculating non-usage events such as calculating taxes is well known in the art of in accounting and billing. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to combine the feature above with Block's for the purpose of initiating and creating non-usage events in real-time.

Regarding to claim 15, Block further discloses a usage event is price at a time that the usage occurs (column 7, lines 55-63).

Regarding to claim 16, Block further discloses a recurring charge is calculated after an end of a prior billing period and before the billing date for the recurring charge (column 8, lines 1-3).

Regarding to claim 17, Block further discloses a minimum or a maximum charge is calculated and captured in a summary after and end of a prior billing period and before the billing date for the recurring charge (column 7, lines 5-15).

Regarding to claim 18, Block further discloses charges for summary events are calculated on-demand at a time of charge display (column 9, lines 15-32).

Regarding to claim 19, Block discloses a computer implemented process, comprising:

determining, by a computer, whether a system initiated and created event is due to be created (column 6, lines 37-40, Tariff Memory 76, system initiated and created flat rate charge, taxes, etc...); and

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creating, by the computer, the event responsive to the determining (column 8, lines 1-3, flat charges, monthly equipment rental fees); and

pricing, by the computer the non-usage event responsive to the creating (column 7, lines 55-column 8, lines 6, processor 60 performs real time billing calculation for system-created events e.g., flat charges, monthly equipment rental fees, etc..., and non-system-created events:, e.g., call charges).

Block does not disclose the system initiates and create non-usage events. However, Block discloses the tariff Memory 76 stores information relating to the charges for various types of services as wells as taxes (non-usage events) (column 6, lines 37-40), and the processor 60 calculates call charges in real time during a call, applying the duration of the call to the appropriate section of the tariff stored in the Tariff Memory 76 (column 7, lines 55-60). Moreover, calculating non-usage events such as calculating taxes is well known in the art of in accounting and billing. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to combine the feature above with Block's for the purpose of initiating and creating non-usage events in real-time.

Regarding to claim 20, Block further discloses system initiated and created events are created independent of other processes (column 8, lines 1-3, flat charges or monthly equipment rental fees are created independent of the process of calculating a call charge).

Regarding to claim 23, Block further discloses a recurring event is created after an end of a prior billing period and before the billing date for the recurring charge (column 8, lines 1-3, flat charges, monthly equipment rental fees).

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Regarding to claim 24, Block further discloses minimum and maximum charge summary events are created after an end of a prior billing period and before the billing date for the recurring charge (column 7, lines 5-15).

Regarding to claim 25, Block discloses an event pricing system, comprising: a computer having:

a continuously running event creation process determining whether a system initiated and created event has become current (column 6, lines 37-40, Tariff Memory 76, system initiated and created flat rate charge, taxes, etc...); and

a continuously running pricing process pricing the system-recreated events and on-system-created event as the become available to the system, and creating and maintaining summary events in real-time as events are priced (column 7, lines 55-column 8, lines 6, processor 60 performs real time billing calculation for system-created events e.g., flat charges, monthly equipment rental fees, etc..., and non-system-created events:, e.g., call charges).

Block does not disclose the system initiates and create non-usage events. However, Block discloses the tariff Memory 76 stores information relating to the charges for various types of services as wells as taxes (non-usage events) (column 6, lines 37-40), and the processor 60 calculates call charges in real time during a call, applying the duration of the call to the appropriate section of the tariff stored in the Tariff Memory 76 (column 7, lines 55-60). Moreover, calculating non-usage events such as calculating taxes is well known in the art of in accounting and billing. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to combine the feature above with Block's for the purpose of initiating and creating non-usage events in real-time.

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Regarding to claim 26, Block discloses an event pricing system, comprising: a computer having:

a continuously running event creation process determining whether a system initiated and created event is due to be created and creating system-created events at any time base on a flexible schedule (column 6, lines 37-40, Tariff Memory 76, system initiated and created flat rate charge, taxes, etc...); and

a continuously running pricing process, independent of a billing process, pricing of the system-created and non-system-created events as ready for the billing process and for display as they become available to the system with all events priced as they become available to the system and creating summary events as events are being priced and performing real-time recalculation of a charge for any unbilled event when information in the system which impacts charge has changed (column 7, lines 55-column 8, lines 6, processor 60 performs real time billing calculation for system-created events e.g., flat charges, monthly equipment rental fees, etc..., and non-system-created events:, e.g., call charges; column 9, lines 15-32, creating the bill based on demand of the subscriber; column 7, lines 43-50, recalculation a charge based on the discounts).

Block does not disclose the system initiates and create non-usage events.

However, Block discloses the tariff Memory 76 stores information relating to the charges for various types of services as wells as taxes (non-usage events) (column 6, lines 37-40), and the processor 60 calculates call charges in real time during a call, applying the duration of the call to the appropriate section of the tariff stored in the Tariff Memory 76 (column 7, lines 55-60). Moreover, calculating non-usage events such as calculating taxes is well known in the art of in accounting and billing. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to

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combine the feature above with Block's for the purpose of initiating and creating non-usage events in real-time.

Regarding to claim 27, Block discloses an event pricing apparatus, comprising:
a source of system initiate and created events (column 6, lines 27-45, The network Routing Device 30); and

a processor pricing the events when the events are priceable (column 6, lines 2-26, Processor 60).

Block does not disclose the system initiates and create non-usage events. However, Block discloses the tariff Memory 76 stores information relating to the charges for various types of services as wells as taxes (non-usage events) (column 6, lines 37-40), and the processor 60 calculates call charges in real time during a call, applying the duration of the call to the appropriate section of the tariff stored in the Tariff Memory 76 (column 7, lines 55-60). Moreover, calculating non-usage events such as calculating taxes is well known in the art of in accounting and billing. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to combine the feature above with Block's for the purpose of initiating and creating non-usage events in real-time.

Claim 28 is written in computer medium that parallel the limitations found in claim 1 discussed above, therefore is rejected by the same rationale.

Claim 31 contains the same limitations found in claim 1 discussed above, moreover, Block further discloses: an intermittently running billing process running responsive bill cycles and customer on demand billing information requests and producing a bill using the prices events (column 5, lines 32-65).

Claim 32 contain similar limitations found in claim 1 discussed above, therefore are rejected by the same rationale.

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6. Claims 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Griffin U.S. Patent No. 5,893,077.

Regarding to claim 29, Griffin discloses a system providing pricing information for on-demand billing for events, comprising:

a message queue receiving events including system initiated and created events and usage events (column 17, lines 37-41 and figures 8A, item 350, 8B, item 351); and

a processor performing a pricing process where events are continuously delivered to the pricing process via the message queue and priced as they become available (column 6, lines 42-65, the billing server 108 performs a pricing process by gather events from the event collector 102 which is gather the events from the message queue).

Griffin does not disclose the system initiates and create non-usage events. However, calculating non-usage events such as calculating taxes is well known in the art of in accounting and billing. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to combine the feature above with Griffin's for the purpose of initiating and creating non-usage events.

Regarding to claim 30, Griffin discloses a continuous pricing process for an event-driven system, comprising:

storing events in a message queue, the events being system initiated and created events, usage events, one time events, and summary events (column 17, lines 37-41; figures 8A, item 350, 8B, item 351 and column 13, lines 44-60);

delivering the events in the message queue to a pricing process as they become available (column 6, lines 42-65, the events in the message queue are delivered to the event collector 102, and then to the billing server 108 for pricing); and

pricing the events (column 13, line 60-column 14, line 21).

Griffin does not disclose the system initiates and create non-usage events. However, calculating non-usage events such as calculating taxes is well known in the art of in accounting and billing. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to combine the feature above with Griffin's for the purpose of initiating and creating non-usage events.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Block et al (hereinafter Block), U.S. Patent No. 6,377,938 in view of Jagadish et al (hereinafter Jagadish), U.S. Patent No. 6,058,170.

Regarding to claims 21, 22, Block does not disclose system initiated and created events are created according to a schedule in the system and the schedule is created and maintained by the system based on subscription information available in the system. However, Jagadish discloses system initiated and created events are created according to a schedule in the system and the schedule is created and maintained by the system based on subscription information available in the system (column 4, lines 10-20). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to combine the feature above with Block's for the purpose of initiating and creating events based on the schedule in the system.

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Conclusion

9. Claims **1-32** are rejected.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Nga B. Nguyen, whose telephone number is (703) 306-2901. The examiner can normally be reached on Monday-Thursday from 8:30 AM-6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough, can be reached on (703) 308-0505.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1113.

11. **Any response to this action should be mail to:**

Commissioner of Patents and Trademarks
c/o Technology Center 3600
Washington, D.C. 20231

or faxed to:

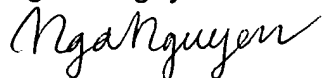
(703) 872-9326, (for formal communications intended for entry)

or:

(703) 308-3961 (for informal or draft communications, please
label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, Seventh Floor (Receptionist).

Nga B. Nguyen



May 27, 2004